

Appl. No. 10/747,630
Amendment mailed December 14, 2005
Reply to Office Action mailed June 14, 2005

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes a new Fig. 17. No new matter has been added by the addition of this sheet of drawings.

Attachment: New Sheet

REMARKS

This Amendment is in response to the Office Action mailed June 14, 2005. A Petition for Three-Month Extension of Time is submitted herewith, with a check for the requisite fee. It is understood that no additional fees are due in connection with this Amendment. However, in the event any further fees are due, kindly charge the cost thereof to our Deposit Account No. 13-2855.

Objections to the Drawings

The drawings were objected to for allegedly not showing the claimed method of removing internal bones in a fore-end of a split carcass. In response, the Applicants submit herewith a new sheet of drawings, including Fig. 17, which is a flow chart illustration of the claimed method of removing internal bones in a fore-end of a split carcass. It is respectfully submitted that this new drawing overcomes the objection, and withdrawal thereof is respectfully solicited.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-6 were rejected under 35 U.S.C. § 102 as allegedly being anticipated by Ketels, U.S. Patent No. 5,462,477. It is respectfully submitted that the claims, as amended, are not anticipated by Ketels. Ketels relates to a method of boning of a hind leg piece. As is understood by those skilled in the art, the anatomy of a hind leg piece of a carcass includes the hind foot bone, the hind shank bone, the leg bone, and the hip bone. In column 3, lines 20-33 of Ketel, the reference describes the shoulder blade and the shoulder as an alternative to the pelvic bone and the hip bone, which appears to be what is relied upon in the Office Action as teaching that the method of Ketels can be used on a fore-leg.

However, it is respectfully submitted that a butcher would never compare boning of a fore-end with that of a hind leg piece because the two meat cuts have very different

anatomies. Apart from this passing statement in lines 20-33 of Column 3 of Ketel, there is no explanation in the reference as to how to implement the disclosed method for the boning of fore-ends. The reference fails to provide an enabling disclosure. In order to provide the basis for a rejection under 35 U.S.C. § 102(b), the publication must be enabling, as required under 35 U.S.C. § 112, first paragraph. *See, e.g., Paperless Accounting, Inc. v. Bay Area Rapid Transit Sys.*, 804 F.2d 659, 665, 231 USPQ 649, 653 (Fed. Cir. 1986).

Furthermore, the Ketel reference presupposes that part of the hip bone is cut free so that the clamping device 20 can grip and remove the hip bone. In the event Ketel's method were to be used on a fore-end of the type shown in the illustrations attached hereto (and in particular, Illustration 1, which is an illustration of a pig fore-end), the outer part of the shoulder blade would have to be cut free, and the shoulder blade removed, by a pull in this part. In actual practice, it is found that removal of a shoulder blade by a pull in the outer part of the blade is not possible. The blade will break into pieces. Thus, the method of Ketel is simply inoperable for effective use in a fore-end or fore leg piece, because the shoulder blade cannot be removed by a gripper's pull in the blade part. In the Applicants' method as claimed, the shoulder blade is removed by a pull in the bone's neck or head by way of the connections to the humerus bone, and from the humerus bone to the fore-shank bone.

The indication in the Office Action that the cutting tool 23 of Ketel performs cutting operations along the shank bone and the humerus bone is respectfully traversed. To the contrary, the tool is inserted towards the bone.

While the articulations between the hind shank bone and the leg bone are maintained intact, or unbroken, according to the Ketel reference, the connections between the leg bone and the hip bone are broken very early in the process. As a result, no effective use of such a connection can be made in the ensuing boning process.

In the Applicants' method as claimed, the connections between the shoulder blade and the humerus bone are maintained during the entire boning process, as well as the connection between the humerus bone and the fore-shank bone. As a result, the fore-end can be conveyed past different cutting tools for partial free-cutting of the bones, followed by a removal of the three bones, in unison, from the meat by a pull of the gripper in the fore-shank bone. As made clear by the amendments to claims 1 and 6, the articulations between the shank bone, humerus bone and shoulder blade are maintained during the entire boning process.

It is therefore respectfully submitted that Ketel does not anticipate the claims, as amended. In the event the Examiner has any questions that might easily be resolved by telephone, the Examiner is invited to contact the Applicants' undersigned attorney at (312) 474-6300.

Respectfully submitted,


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